

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.¹****CHAPTER**

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CHAPTER 1**MISCELLANEOUS****SECTION**

- 9-101. "Going out of business" sales.
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9-103. Skating rinks.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1975 Code, § 5-103)

9-102. Sale of coal. It shall be unlawful for any person, firm, partnership, or corporation to operate a coal truck within the corporate limits of the City of LaFollette without first having the name of the firm printed in a conspicuous place on such vehicle. The driver of every vehicle hauling coal

¹Municipal code references

Building, plumbing, wiring and housing regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

shall have on his person a correct weight bill showing the exact amount of coal contained in the vehicle. (1975 Code, § 5-101)

9-103. Skating rinks. (1) It shall be unlawful for any person, firm, or corporation to maintain or operate within the corporate limits of the City of LaFollette any skating rink without first obtaining a permit from the recorder of the city.

(2) "Skating rink" shall mean any structure located within a building, tent, or pavilion where skating is permitted.

(3) It shall be unlawful for any person, firm, or corporation to maintain or operate such skating rink, or permit same to be operated or maintained, in any place other than a building.

(4) Any person, firm, or corporation making application for a permit shall give the recorder the name and address of the applicant and the place where the skating rink is to be placed, maintained, and operated; and, if the skating rink is to be operated in connection with any other business, the character of such other business.

(5) Each applicant shall pay to the city the sum of \$10.00 for each permit and it shall be renewed annually.

(6) The recorder shall cause to be investigated the statements as set forth in each application.

(7) The recorder may, in the exercise of his sound discretion, if he deems that the applicant for a permit is not of good moral character, deny the permit. He may likewise deny the permit if the place of business wherein the skating rink is to be operated might become a public nuisance.

(8) The recorder is hereby given the power to revoke any such permit, subject to the approval of a majority of the city council, if in his opinion it is deemed necessary for the protection of minors or any member of the public.

(9) The chief of police, with the concurrence of a majority of the city council shall set the hours during which a skating rink shall be permitted to operate.

(10) It shall be unlawful for said skating rink to be operated in such a manner as to annoy adjoining property owners or tenants or persons on public streets by permitting obnoxious noise to emit from skates or musical devices. (1975 Code, § 5-102)

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Loud noises and speaking devices.
- 9-207. Use of streets.
- 9-208. Exhibition of permit.
- 9-209. Policemen to enforce.
- 9-210. Revocation or suspension of permit.
- 9-211. Reapplication.
- 9-212. Expiration and renewal of permit.
- 9-213. Violation and penalty.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1975 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1975 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

¹Municipal code reference
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of thirty dollars (\$30.00) shall be paid to the city to assist in paying the cost of investigating the facts stated therein. (1975 Code, § 5-203, as amended by Ord. #595-1, Jan. 1998)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1975 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a

police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1975 Code, § 5-205)

9-206. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1975 Code, § 5-207)

9-207. Use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1975 Code, § 5-208)

9-208. Exhibition of permit. Permittees are required to exhibit their permits at the request of any policeman or citizen. (1975 Code, § 5-209)

9-209. Policemen to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1975 Code, § 5-210)

9-210. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city council after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set

for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1975 Code, § 5-211)

9-211. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1975 Code, § 5-212)

9-212. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1975 Code, § 5-213)

9-213. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to one hundred dollars (\$100) for each offense. Each day a violation occurs shall constitute a separate offense. (Ord. #595-1, Jan. 1998)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Charitable solicitations.

9-302. Prerequisites for a permit.

9-303. Denial of a permit.

9-304. Exhibition of permit.

9-301. Charitable solicitations. It shall be unlawful for any person representing or claiming to represent any church, school, or any eleemosynary, charitable, religious, social service or public institution or organization of any kind to solicit money or subscriptions from the general public or to sell tickets or to canvass for advertising space on any program, booklet, pamphlet or other printed matter for the benefit or for the alleged benefit of any such institution or organization without first obtaining a permit therefor from the city administrator, who shall have the authority to issue without any charge or fee for the permit if the purpose thereof is found to be worthy and bona fide after an investigation by the police department. Such organizations however, will notify the city administrator three (3) days prior for sufficient time for investigation before receiving the permit. The city administrator shall have the power to waive the three day waiting period. This section shall not, however, apply to solicitations made at the regular services or meetings of such organizations, but is intended to regulate solicitation for the general public. (1975 Code, § 5-301)

9-302. Prerequisites for a permit. The city administrator shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1975 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the city council if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1975 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1975 Code, § 5-304)

CHAPTER 4

TAXICABS¹

SECTION

- 9-401. Definitions.
- 9-402. Unlawful to operate taxicabs without certificate of public convenience and necessity.
- 9-403. Certificate of public convenience and necessity to be secured from the chief of police.
- 9-404. Liability insurance required.
- 9-405. Revocation of license; appeal.
- 9-406. Rules and regulations.
- 9-407. Fees.
- 9-408. Equipment and requirements for taxicabs.
- 9-409. Permit to drive taxicab required.
- 9-410. Duration of permits; permits to be displayed in taxicabs.
- 9-411. Revocation of drivers' permits.
- 9-412. Fees.
- 9-413. Use of public streets, etc., restricted.

9-401. Definitions. (1) The word "taxicab" as used in this chapter shall include all highway motor vehicles operated as public carriers of passengers for hire primarily within and about the City of LaFollette. Busses operated along fixed or regular routes shall not be deemed to be taxicabs.

(2) The word "owner" when used in this chapter shall be construed to mean any person, firm, or corporation who has the control, direction, maintenance and the benefit of the collection of revenue derived from the operation of taxicabs on or over the streets or public ways of the City of LaFollette, whether as owner, licensee, bailee, or otherwise, except as "driver" as hereinafter defined.

(3) The word "driver" shall be held to include every person in actual charge of the operation of a taxicab, as herein defined, whether as owner, agent, servant, or employee of the "owner" as herein defined. (1975 Code, § 5-401)

9-402. Unlawful to operate taxicabs without certificate of public convenience and necessity. The operation of any taxicab over the streets and ways of the City of LaFollette shall be subject to the conditions, regulations, and restrictions hereinafter set forth, and it shall be unlawful to

¹Municipal code reference
Privilege taxes: title 5.

operate or cause to be operated in the City of LaFollette any such vehicle unless a certificate of public convenience and necessity has been issued to the owner thereof, and unless the conditions, regulations and restrictions herein prescribed are complied with.

It shall be unlawful for the city recorder to issue to any person or persons, firm, or corporation, a license to operate a taxicab as herein defined except upon delivery to him of a certificate of public convenience and necessity issued by the chief of police. (1975 Code, § 5-402)

9-403. Certificate of public convenience and necessity to be secured from the chief of police. No person or persons, firm, or corporation shall hereafter operate a taxicab in the City of LaFollette without having first applied for and received from the chief of police a permit therefor. The permit shall be in the form of a certificate of public necessity and convenience and shall be granted only upon the following conditions and circumstances:

(1) That the necessity and convenience of the public welfare shall require it.

(2) That the ownership of each vehicle is reliably established by the applicant.

(3) That the applicant sets forth his name and address, the trade name under which the applicant does or proposes to do business, the class, seating capacity, design, color, model, and motor number of each vehicle and whether the applicant has been convicted for the violation of any state or municipal law and any other information required by the chief of police. (1975 Code, § 5-403)

9-404. Liability insurance required. No certificate of public necessity and convenience shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of ten thousand dollars (\$10,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least five (5) days' written notice is given by the insurer to both the insured and the chief of police of the city. (1975 Code, § 5-404)

9-405. Revocation of license; appeal. The chief of police shall have power to revoke any certificate of public convenience and necessity, after hearing upon ten (10) days notice to the holder of the certificate and opportunity being given such holder to be heard, when it has been proved that such certificate holder has discontinued operation or has violated or refused or neglected to observe any of the proper orders, rules or regulations of the chief

of police, or has wilfully and persistently violated any ordinance of the City of LaFollette or law of the State of Tennessee, relative to the operation of said vehicle. The holder shall have a right to appeal from the ruling of the chief of police revoking his permit to the city council. The city council shall hold a public hearing and either reinstate the revoked license or sustain the decision of the chief of police. In all such cases, the decision of the city council shall be final. In event of cancellation of the insurance provided for in § 9-404 and the failure of the assured to provide another policy with like coverage then the license for the taxicab affected shall be ipso facto revoked as of the day the insurance ceases to be in effect. (1975 Code, § 5-405)

9-406. Rules and regulations. The chief of police is authorized and directed to make and enforce such additional rules and regulations not in conflict with the provisions of this chapter as he may deem proper to regulate the operation of motor vehicles transporting persons for compensation. However, no regulation shall be made or enforced which is in conflict with this or any other city ordinance. (1975 Code, § 5-406)

9-407. Fees. When a certificate of public convenience and necessity is issued hereunder, a fee of two dollars (\$2.00) for each vehicle authorized shall be paid to the City of LaFollette. (1975 Code, § 5-407)

9-408. Equipment and requirements for taxicabs. Every taxicab operating on the streets, alleys, and public ways of the City of LaFollette shall at all times be equipped with: a power plant adequate to propel same when loaded over smooth, level pavements at a rate of speed allowed by the ordinances of the City of LaFollette; a muffler; service and emergency brakes; warning devices; lights and rear vision mirror; door opening devices attached to each door of the passenger compartment so that such door may be opened by the passenger from inside the cab without the intervention or assistance of the driver; and such other equipment not herein specifically mentioned but required by state law.

Every taxicab operated in the City of LaFollette shall be kept clean and sanitary and shall be swept and dusted at least once each day. (1975 Code, § 5-408)

9-409. Permit to drive taxicab required. It shall be unlawful for any person to act as "driver" of a taxicab as herein defined or be in charge of such taxicab without having received a permit therefor issued by the chief of police.

Such permits shall be applied for in writing and issued only upon the following circumstances, terms, and conditions:

(1) That the applicant has obtained a chauffeur's license from the state.

- (2) That the applicant be at least twenty-one (21) years of age.
- (3) That the applicant has not been convicted for the violation of any of the criminal laws of the State of Tennessee or the ordinances of the City of LaFollette involving moral turpitude.
- (4) That, in opinion of the chief of police after investigation, the applicant is physically and morally fit to drive or operate a taxicab. (1975 Code, § 5-409)

9-410. Duration of permits; permits to be displayed in taxicabs. Each driver's permit shall expire one (1) year from the date of issue. It shall be kept conspicuously displayed in the taxicab operated by the driver at all times. (1975 Code, § 5-410)

9-411. Revocation of drivers' permits. Any driver's permit granted under the terms hereof may be revoked by the chief of police (after notice to the permittee in writing citing him to appear before the chief of police to show cause why his permit should not be revoked) on a showing that said permittee has violated any of the provisions of this chapter; that his chauffeur's license has been revoked by the state or has expired and not been renewed or reissued; or that he has wilfully and/or persistently violated any of the provisions or ordinances of the City of LaFollette; or that he is unfit physically or morally to operate a taxicab. Any person dissatisfied with the decision of the chief of police shall have the right to appeal to the city council whose decision shall be final. (1975 Code, § 5-411)

9-412. Fees. When a permit to drive a taxicab is issued hereunder, a fee of two dollars (\$2.00) shall be paid to the City of LaFollette. (1975 Code, § 5-412)

9-413. Use of public streets, etc., restricted. It is the intent and purpose of this section to require all taxicab owners as herein defined to establish taxi stands and parking grounds for taxi stands off the public streets and alleys of the City of LaFollette, Tennessee.

It shall be unlawful for any taxicab owner or driver to operate any automobile or station wagon for hire within the corporate limits of the city unless he has a taxi stand or parking ground off the public streets and alleys of the city for the regular use of the vehicle.

It shall be unlawful for any taxicab owner or driver to use any part of the public streets or alleys of the city as a taxicab stand for the purpose of parking there to await being hired, or to park there to await a call, or for any other purpose except to discharge passengers, or to wait momentarily for the return of a passenger who has the services of the taxicab engaged.

It shall be unlawful for any taxicab owner to install or maintain a telephone on or over any public sidewalk, street, or alley within the corporate limits for use in connection with his business.

It shall also be unlawful for any person, firm, or corporation engaged in the telephone business to install or maintain, for use in the taxicab business, any telephone on or over any public street, sidewalk or alley of the city. (1975 Code, § 5-413)

CHAPTER 5

POOL ROOMS¹

SECTION

9-501. Hours of operation regulated.

9-502. Minors to be kept out; exception.

9-501. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire during the following hours: Monday through Saturday 12:01 A.M. to 6:00 A.M.; Sunday 12:01 A.M. to 1:00 P.M. and 6:00 P.M. to 12:00 P.M. (Ord. #530, March 1990)

9-502. Minors to be kept out; exception. (Minors for the purpose of this chapter is a person under 21 years of age). Minors shall not be permitted to play on any pool, billiard, or bagatte, located on a premise that engages in the sale of alcoholic beverages. (Ord. #530, March 1990)

¹Municipal code reference
Privilege taxes: title 5.

CHAPTER 6

CARNIVALS

SECTION

9-601. Guidelines and regulations.

9-602. Applications; approval or rejection by city.

9-601. Guidelines and regulations. Any and all carnivals desiring to operate within the city limits of the City of LaFollette, shall meet the following guidelines and regulations:

(1) Application for permit shall be made fifteen (15) days in advance of set-up operations.

(2) Submitted with application will be a non-refundable cashier check for \$500.00 to cover application fees.

(3) Carnival owner/operator shall provide the name of a local business or organization who will act as a sponsor.

(4) Carnival shall make adequate restroom and refuse collection facilities available.

(5) Carnival shall be responsible for carnival site being left in a clean, sanitary condition on departure.

(6) Carnival own/operators shall submit with the application a list of all employees and their social security numbers.

(7) Carnival owner/operators shall submit with the application a list of all contractor vendors and concession operators and their social security numbers.

(8) As practical as possible a background of the business check will be completed prior to opening or carnival. (Ord. #560, Nov. 1994)

9-602. Applications; approval or rejection by city. The City of LaFollette reserves the right to approve or reject any and all applications for permit based on failure to meet any of the above requirements and for any other reason deemed not to be in the best interests of the City of LaFollette. All approved applications for permits shall be good for a period not to exceed ten (10) days. Reapplications made shall be made at the end of ten (10) days with all rules and regulations to be met, excluding the fifteen (15) day advance application time period in § 9-601(1). (Ord. #560, Nov. 1994)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of LaFollette and its inhabitants under franchise as the city council shall grant. The rights, powers, duties and obligations of the City of LaFollette and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ord. #510 dated Nov. 9, 1987, and any amendments, in the office of the city recorder.

CHAPTER 8

WRECKER SERVICE STANDARDS MANUAL

SECTION

- 9-801. Purpose of regulations.
- 9-802. Declaration of policy.
- 9-803. Recovery, towing, and storage standards.
- 9-804. Application procedures for inclusion on the LaFollette Police Department call list.
- 9-805. Establishment of class system and criteria for each class.
- 9-806. Equipment.
- 9-807. Insurance.
- 9-808. Storage facilities.
- 9-809. Annual inspections.
- 9-810. Call and notification procedures.
- 9-811. Service procedures and zone assignments.
- 9-812. Tow and storage rate.
- 9-813. Complaints.

9-801. Purpose of regulations. To establish policy, procedures and regulations for members of the LaFollette Police Department and towing firms concerning wrecker service standards and to further insure the safe and efficient removal, storage and safekeeping of any and all vehicles being towed and placed into the custody of such wrecker service. (Ord. #98-13, July 1998)

9-802. Declaration of policy. It is the policy of the LaFollette Police Department to establish standards and utilize only those wrecker companies whose equipment, drivers, procedures and services conform to the following rules and regulations. The LaFollette City Council shall be the final authority in all policies, procedures, and regulations governed by this Wrecker Service Standards Manual.

It shall further be the policy of this department to allow any one interested towing corporation, firm, or business an opportunity to submit an application for inclusion on the LaFollette Police Department rotation call list. It should be fully understood by any and all interested parties that inclusion on the department's call list will be strictly governed by the provisions contained in this Wrecker Service Standards Manual. Corporations or firms which find these provisions too stringent may choose not to participate. Nothing in this manual shall be construed as coercion to any business as to whether they choose to participate. (Ord. #98-13, July 1998)

9-803. Recovery, towing, and storage standards. There are many instances in the City of LaFollette involving motor vehicles where the owner

or driver is either incapacitated, unavailable, or unable to make a decision about where their vehicle is to be towed or stored. These instances include, but are not limited to: motor vehicle accidents, abandoned vehicles, incarceration, and disabled motorist unfamiliar with the area.

In all of these cases the motorist have the right to expect the LaFollette Police Department to call a reputable and reliable towing company which possesses adequate equipment and qualified drivers to perform the necessary task. The public also expects the towing company that is called to be financially responsible for any damage which might occur during or after towing, as well as paying a reasonable rate for the services performed by the towing company. It is for these reasons that the LaFollette Police Department has a rotating scheduled wrecker list. The scheduled wrecker is used only in cases where the vehicle owner, driver does not have a specific request.

In all other instances, the owner's request will be honored, when the arrival of such requested wrecker does not exceed a reasonable amount of time and when the vehicle does not present an immediate traffic hazard. Wrecker's which are not on the LaFollette Police Department call list and requested by owner/operator do not have to conform to the provisions of this manual.

The rules and regulations contained herein provide guidance to those operators of towing companies who are, or wish to be, included on the LaFollette Police Department Rotating Schedule Wrecker List, and who are called upon to respond by officers in the performance of their official duties.

The LaFollette Police Department has established these requirements in an effort to ensure that all services, provided by towing companies, requested by this department, are governed by the same standard without partiality. (Ord. #98-13, July 1998)

9-804. Application procedures for inclusion on the LaFollette Police Department call list. (1) Wrecker companies carried on the LaFollette Police Department Rotation Call List must have a City of LaFollette business license, and their storage lot must be located within the city limits of LaFollette.

(2) Wrecker companies carried on the call list must have the required minimum insurance standards and meet other revisions disclosed in this manual.

(3) Any wrecker company which wishes to be included on the LaFollette Police Department call list and has a towing vehicle(s) and driver(s) which meet the standards and criteria set forth in this manual, may submit a request to the chief of police for consideration.

(4) Wrecker company drivers must possess a valid driver license. A commercial driver license will be required when cooperation a class vehicle which requires such (i.e., vehicle with G.V.W.R. in excess of 26,000 lbs). All wrecker companies and their drivers must meet all Tennessee state and federal requirements.

(5) Wrecker company owners, or drivers will not be allowed to participate on the LaFollette Police Department call list, if they have been convicted of a felony. (Ord. #98-13, July 1998)

9-805. Establishment of class system and criteria for each class.

(1) Four (4) distinct wrecker classes have been established and the following criteria must be met for each class for inclusion on the LaFollette Police Department call list.

(2) Class A: For towing passenger cars, pickup trucks, small trailers, etc. This classification also include "wheel lift" type vehicle transporters.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of one (1) ton (10,000 lbs. G.V.W.R.);

(b) Individual boom capacity of not less than four (4) tons;

(c) Two (2) individual power winches each with a pulling capacity of not less than four (4) tons;

(d) A minimum of one hundred (100) feet of 3/8 inch, or larger, cable on each drum;

(e) Wheel lift capable of picking up a passenger car or pickup truck;

(f) Belt type cable tow plate or tow sling to pick up vehicles: cradle or tow plate to be equipped with safety chain;

(g) Dollies;

(h) Wheel lift: wreckers possessing equipment capable of lifting the vehicle by the wheels only, with nothing touching the vehicle body;

(i) Wheel lift wreckers shall meet all Class "A" requirements, excluding the belt type cradle tow plate or tow sling.

(ii) Safety restraint straps (nylon straps with ratchets or the equivalent), shall be provided to secure the towed vehicle tires into the wheel lift forks.

(3) Class B: For towing medium size trucks, trailers, etc.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of one and one half (1½) tons (18,000 G.V.W.R.).

(b) Boom specifications:

(i) Double boom so constructed as a permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than (8) tons; or,

(ii) Single boom with no less than a sixteen (16) capacity and power winch pulling capacity of no less than sixteen (16) tons;

(c) Two hundred (200) feet, or more of 7/16 inch, or larger, cable on each drum;

(d) Cradle tow plate or tow sling to pick up vehicle; cradle of tow plate to be equipped with safety chain;

(4) Class C: For towing large truck, road tractors and trailers.

(a) The tow truck chassis shall have a minimum manufacturer's capacity of not less than three (3) tons (30,000 G.V.W.R.).

(b) Boom specifications:

(i) Double boom so constructed as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12½) tons; or

(ii) Single boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons;

(c) Two hundred (200) feet or more of 9/16 inch, or larger, cable on each drum;

(d) Airbrakes so constructed as to lock wheels automatically upon failure;

(5) Class D: Vehicle transporters designed to tow or carry passenger cars, pickup trucks, small trailer, etc. This classification includes "car carriers" or "rollback" type vehicle transporters.

(a) Car carrier vehicle transporters;

(i) The truck chassis shall have minimum manufacturer's capacity of one (1) ton (10,000 lbs. G.V.W.R.);

(ii) Lift cylinders:

(A) Two (2) with a minimum three (3) inch bore each; or,

(B) One (1) with a minimum five and one-half inch bore;

(iii) Individual power winch pulling capacity of not less than (4) tons;

(iv) Fifty (50) feet or more of 5/16 inch or larger cable on winch drum;

(v) Two (2) safety chains for securing vehicle to carrier bed;

(vi) Carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of eighty-four (84) inches in width inside of side rails;

(vii) Cab protector, constructed of solid steel or aluminum, that extends to a height of four (4) feet above the floor or to a height at which it blocks the forward movement of the bumper of the vehicle being towed. (Ord. #98-13, July 1998)

9-806. Equipment. (1) Wrecker companies shall be responsible for carrying the equipment necessary for removal of glass and other debris from

highways following each accident. The wrecker operator is responsible for utilizing the equipment for such removals.¹

(2) Emergency equipment:

(a) At least one (1) functional, amber-colored, rotor beam or strobe type light shall be permanently mounted on the top of the wrecker. No other color will be approved by the department. All emergency flashers and directional lights showing to the front must be amber in color.

(b) Amber lights shall be fully activated when the wrecker operator feels the wrecker poses a hazard to the traffic.

(c) Sirens on wrecker or service trucks are prohibited.

(3) Additional equipment required:

(a) At least one (1) heavy-duty broom;

(b) Flood lights mounted at a height sufficient to illuminate the scene at night;

(c) One (1) shovel;

(d) One (1) ax;

(e) One (1) pinchbar, prybar, or crowbar;

(f) One (1) set of bolt cutters;

(g) Minimum of one (1) fully charged, 20 lb. fire extinguisher having an Underwriters Laboratory rating of four (4) A:B:C: or more. The fire extinguisher must be securely mounted on the vehicle;

(h) Fluid absorption compound;

(i) At least three (3) flares or three (3) red emergency reflector;

(4) The appearance of wreckers shall be reasonably good with equipment painted.

(5) All tow trucks shall display the company's name and address. Such information shall be painted on, or permanently affixed, to both sides. All lettering shall be at least three (3) inches high. Magnetic signs will not be permitted. (Ord. #98-13, July 1998)

9-807. Insurance. (1) Each towing company assumes the liability for personal injury or property damage resulting from an employee's intentional or negligent act(s) from the time contact is made with any vehicle to be towed. Each towing company assumes full liability for all items of value in the vehicle.

(2) Each towing company shall maintain the following policies if insurance according to the minimum limits set forth in this section. Each policy shall be in the name of the towing company, or its owner, and shall include coverage for towing and storage. It is not the intent of the department

¹State law reference

Tennessee Code Annotated, § 55-8-180.

to limit the towing company to the type and amount of insurance required herein.

(a) Any wrecker service utilized by the LaFollette Police Department shall be properly licensed and insured.

(b) All wrecker and storage facilities shall be inspected by the LaFollette Police Department and a certificate of insurance filed before being placed on the LaFollette Police Department call list.

(c) Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the wrecker company.

(d) Liability coverage must be equal to the minimum amounts specified in this manual. Insurance coverage may be provided in a single policy or separate split policies. Regardless of the type of policy or policies, the total amount of coverage of policy or policies, the total amount of coverage must equal those amounts listed below, per accident.

(i) Minimum vehicle liability amounts:

(A) Class A and D	\$300,000
(B) Class B	\$500,000
(C) Class C	\$750,000

(ii) Minimum garage keepers liability policy for \$25,000 to cover loss by fire, theft, etc.

(iii) Minimum "on-hook" coverage:

(A) Class A and D	\$ 25,000
(B) Class B	\$ 65,000
(C) Class C	\$100,000

(iv) Wrecker companies "on-hook" coverage may be included in the garage keepers liability policy. It may also be provided as a separate policy, dependent upon the underwriter. In any event, both garage keeper's liability and "on-hook" insurance coverage must be carried by the company. The minimum rates established by this manual are in no way intended to limit the amount of coverage deemed appropriate by owners.

(e) Wrecker service operators shall have insurance agents submit an insurance certificate to the designated representative of the LaFollette Police Department.

(3) Insurance renewal:

(a) Certificate of insurance must be submitted to the designated representative of the LaFollette Police Department ten (10) days prior to the renewal date.

(b) Insurance carriers shall notify the designated representative of the LaFollette Police Department immediately if a policy is canceled.

(c) The owner of the wrecker company shall make written notification of any changes in insurance coverage (i.e., changing

companies, vehicles, etc.), to the designated representative of the LaFollette Police Department within ten (10) days prior to the change.

(4) Violation of any of the above insurance requirements or regulations shall be cause for suspension or removal from the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-808. Storage facilities. (1) Wrecker services must be equipped to provide a fenced lot or building for proper, safe, and secure storage.

(a) The storage facility must be located in close proximity to the wrecker service.

(b) The wrecker service shall be responsible for storing, safekeeping, and preventing vandalism of all vehicles and contents towed for the LaFollette Police Department.

(c) The storage facility shall be staffed, or available for access during normal business hours, Monday thru Friday, excluding legal holidays.

(d) When a hold order is placed on a vehicle by a commissioned officer of the LaFollette Police Department for the furtherance of an investigation, the vehicle shall be placed in an area that is not accessible to the general public, in an effort to preserve evidence, until such time that all evidence has been recorded, or retrieved, and the hold on the vehicle is released.

(2) The chief of police will be notified of all vehicles which are towed at the request of the department and have been held over fifteen (15) days.

(3) Violation of any of the above requirements or regulations shall be cause for suspension or removal from the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-809. Annual inspections. (1) The chief of police shall insure that all wrecker and storage facilities are physically inspected each year. The time of the annual inspection will be established by the chief of police and such inspection will remain valid, but not to exceed, a 12 month period. This does not mean that a re-inspection could not be performed at anytime during this 12 month period should circumstances warrant. This inspection shall include the checking of equipment, driver files, insurance, tow and storage rates and other records necessary to insure that all requirements of this manual are being met.

(a) Current tow and storage rates shall be posted in a conspicuous place at the wrecker company and a copy filed with the chief of police.

(b) A designated representative of the LaFollette Police Department may inspect wrecker companies at any time during normal business hours.

(2) Provisions of this section shall not apply to wreckers which are requested by owner/operator and not on the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-810. Call and notification procedures. (1) When a member of the LaFollette Police Department is dispatched to an accident, motorist assist, or any other request for assistance, the investigating officer, after determining the need, shall contact the dispatcher. The dispatcher will notify the next scheduled wrecker to respond, provided that the affected parties have not already made contact with a wrecker company of their choice. No wrecker shall remove a wrecked vehicle from the scene without it being investigated by a law enforcement agency.

(a) Calls made to a wrecker company directly from an investigation officer are not acceptable. Requests must be made by a LaFollette Police Department dispatcher.

(b) Officers are not permitted to directly contact wrecker companies by cellular phone in patrol units.

(2) Wreckers shall be available for immediate response twenty-four (24) hour hours a day.

(a) They must respond in a reasonable length of time, as determined by the requesting officer, or the next scheduled wrecker will be called and the first one will lose its turn. Continual slow responses shall be noted and addressed by the designated representative of the LaFollette Police Department.

(b) The responding wrecker(s) must be one displaying the company's name as called by the LaFollette Police Department dispatcher.

(c) Wrecker companies cannot refer a call to another wrecker company or substitute another company's wrecker to avoid losing a turn on the LaFollette Police Department call list.

(d) Operators refusing a call, or failing to respond promptly to a call, may be removed from the call list.

(e) Wrecker companies are restricted to a maximum of two (2) telephone numbers on the LaFollette Police Department call list. "Call waiting" and "call forwarding" are recommended; pagers and beepers are not allowed.

(f) Wrecker operators who fail to answer a call will lose the call. If two (2) consecutive calls are missed on the rotation list, an investigation will be made by the LaFollette Police Department.

(3) If wrecker operators desire to be off-duty for any length of time, they shall inform the LaFollette Police Department dispatcher to avoid losing their turn on the call list. Upon returning, the wrecker operator will be placed back on the rotating list.

(4) Only one (1) wrecker company will be called to any one vehicle accident. If additional equipment or recovery vehicle are needed to adequately complete a tow (i.e., tractor-trailer roll over or difficult auto recovery), the severity of the situation and the estimated response time of additional equipment will be weighted by the officer at the scene, who will be the deciding authority.

(5) When multiple cars are involved and multiple wreckers are called:

(a) The first wrecker arriving at the scene will tow the car causing the greater traffic hazard which will be determined by the member of the LaFollette Police Department.

(b) If a requested wrecker arrives first, the wrecker will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow.

(c) In the event of an extreme emergency, the investigation officer may request the nearest available scheduled wrecker, or dispatch any class wrecker from the nearest location to expeditiously remove effected vehicles. Should this occur, members will make thorough notations for courses of action taken on the tow in report and inform the dispatcher.

(6) When a wrecker company receives a call for a Class "C" wrecker, it will not effect the wrecker company's status on either the "A," "B," or "D" class lists.

(7) All wreckers shall be prohibited from "chasing" or "running wrecks or break-downs," without a bona fide call from the LaFollette Police Department dispatcher or request from the owner.

(8) Wrecker companies are expressly prohibited from calling LaFollette Police Department dispatcher to determine their place on the call list. Concerns of position or placement on the call list will be addressed by the designated representative of the LaFollette Police Department.

(9) If a wrecker service is at the scene of an accident when the officer arrives without being called by the LaFollette Police Department or person(s) involved, the wrecker service will be sent back by the officer and lose its turn on the LaFollette Police Department call list. (Ord. #98-13, July 1998)

9-811. Service procedures and zone assignment. (1) Wrecker companies will be listed only once on each LaFollette Police Department call list and only in name under which they are qualified in conduction business in this state. The facilities and equipment must meet the standards previously stated in this manual. It is prohibited for a wrecker service operator, conducting business at one location, to receive multiple listings or classification by utilizing a different or fictitious name for trucks operating out of the same location, or out of different locations within the same zone. When two or more corporations are owned by the same individual(s), partnership, or parent corporation, each may have a separate listing only if each towing service has

a distinctively separate storage facility and different corporate officers. It is prohibited for two or more wrecker service operators, owned in whole or in part by the same individual, partnership, or parent corporation, to be qualified to operate in the same zone.

(2) All wrecker company operators are expected to be familiar with and comply with all applicable federal regulations and traffic laws of the State of Tennessee.

(3) Wrecker companies shall abide by all rules and regulations as established in this manual.

(4) Wrecker company operators shall not perform repair work on towed vehicles without the owner's written consent.

(5) Wrecker company operators shall transport a vehicle to any location requested by the owner/operator after financial obligations have been finalized.

(6) Personal property contained in a towed vehicle must be released to owners upon their request, unless investigation officer orders otherwise.

(7) Soliciting at the accident scene is prohibited by the owner, operator, or representative of any wrecker company.

(8) In the event that a vehicle is to be held to retrieve evidence (i.e., felony investigation) a hold order may be placed on a vehicle and such order will be honored by the wrecker company.

(9) When no hold order is placed, the vehicle shall be released to the owner, upon proof of ownership and when the necessary financial transactions between vehicle owner and wrecker service are completed.

(10) Violation of any of the above requirements, shall be cause for suspension or removal from the LaFollette Police Department call list, after investigation is made by this department. (Ord. #98-13, July 1998)

9-812. Tow and storage rate. (1) The LaFollette Police Department shall not establish tow and storage rates. However, rates should be consistent with those of competitors in the same geographical area and be fair and equitable to all affected parties.

(2) Rate guidelines:

(a) Current tow and storage rates for all classes shall be posted in a conspicuous place at the tow service and filed with the LaFollette Police Department.

(b) A wrecker operator who uses a Class "B" or Class "C" wrecker to tow a vehicle in a lower classification must charge towing rates equitable to other wreckers towing in that classification.

(c) The vehicle owner/operator shall be responsible for payment of towing and related services prior to delivery or release of the vehicle by the towing company.

(d) The chief of police shall remove from the LaFollette Police Department call list any wrecker company whose tow rates are found to

be excessive as a result of an investigation, and do not reflect charges assessed by other wrecker firms for similar services in the same geographical area. (Ord. #98-13, July 1998)

9-813. Complaints. (1) If the owner of a vehicle believes that the vehicle was towed and/or charged unjustly, a complaint may be filed with the designated representative of the LaFollette Police Department.

(a) The designated representative of the LaFollette Police Department shall contact the wrecker service involved and conduct an investigation. The designated representative of the LaFollette Police Department shall forward the complaint with his/her recommendation to the chief of police.

(b) The chief of police will review all correspondence and render a decision.

(c) Any valid complaint will result in suspension from the LaFollette Police Department call list of towing privileges for a period determined by the chief of police. Should this occur, the wrecker service will be notified, in writing, by the chief of police.

(2) Should any wrecker service desire a review of a decision, they shall contact the chief of police.

(a) The chief of police may, at his/her discretion, schedule a meeting to discuss the concerns of the wrecker service and present an explanation of this reasons for the recommended action.

(b) Should the chief of police decision not be agreeable to the wrecker service, they may request that the LaFollette City Council review the case. They will review all relative information and advise the wrecker service of the department's decision.

(3) This policy should not be construed in any way to conflict with state law. (Ord. #98-13, July 1998)